

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA

VS.

GARY LE RICKY MYERS,

Defendant

NO. 7: 08-CR-29 (WLS)

VIOLATION: Drug Related

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a DETENTION HEARING was this day held in the above-captioned case before the undersigned. Defendant MYERS was represented by Mr. Charles T. Brant of the Atlanta Bar; the United States was represented by Assistant U. S. Attorney Michael K. Dennard. Based upon the evidence proffered to the court on behalf of the parties, as well as the Pretrial Service Report of the U. S. Probation Office dated March 25, 2010, I conclude that the following facts require the detention of the defendant pending the trial of this case.

PART I - FINDINGS OF FACT

- ☒ (1) There is PROBABLE CAUSE to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act.
- ☐ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding (1) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

ALTERNATIVE FINDINGS

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the evidence proffered at the DETENTION HEARING, as supplemented by information contained in the aforementioned Pretrial Services Report, establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the defendant's future appearance and the safety of the community were defendant Myers to be released from custody. The defendant is a current resident of Tucker, Georgia and has no ties to the Middle District of Georgia. The offense of POSSESSION WITH INTENT TO DISTRIBUTE MORE THAN 500 GRAMS OF COCAINE charged against him herein is a serious one for which long-term incarceration can be expected in the event of a conviction, primarily because of the amount of cocaine involved, to-wit: over 2 kilograms. The weight of evidence is very strong: the drugs were recovered from an automobile operated by the defendant when he was stopped for a traffic violation in Lowndes County, Georgia on or about May 8, 2008. The defendant has two prior drug convictions in Daytona Beach, Florida for the offense of Possession of Cocaine— August 28, 1998 and September 6, 2006. He failed to appear in state court in Lowndes County in 2008 and apparently was aware at that time that he had been indicted on federal charges. In addition, in a later traffic stop in Lamar County, Georgia, some \$123,000 in cash was seized from the defendant, the government contending that the same was proceeds from illegal drug trafficking. This cash was forfeited to the government with the defendant abandoning any claim to the money.

In light of the foregoing, pretrial detention is mandated. IT IS SO ORDERED,

PART III - DIRECTIONS REGARDING DETENTION
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The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 14th day of APRIL, 2010.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

**CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE**